

**Amendment and Response**

Applicant: Leo Spychalla

Serial No.: 10/725,232

Filed: December 1, 2003

Docket No.: 10412US01

Title: DATA STORAGE TAPE CARTRIDGE WITH HARD DRIVE AND DOOR

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**REMARKS**

This Amendment is responsive to the Office Action mailed October 4, 2005, in which claims 1, 4, 5, 8, 9, 11-15, and 21-26 were rejected and claims 2, 3, 6, 7, and 10 were objected to. With this Response, claims 1, 21, 23, and 24 have been amended, claims 2, 9, 11, and 12 have been cancelled without prejudice, and claims 27-31 have been added. Claims 1, 3-8, 10, 13-31 are pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 112**

Claim 11 and 21-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With this Amendment, dependent claim 11 has been cancelled. Claims 21, 23, and 24 have been amended to correct the lack of antecedent basis cited in the Office Action. In particular, each recitation of the term "the data storage tape cartridge" has been amended to recite a "data storage cartridge" to remedy any antecedent basis issues with claims 21-26. Therefore, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, of claims 21-26 is respectfully requested.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1, 4, 5, 11, and 13-15 were rejected under 35 U.S.C. § 102(b) over Rabinovitz (U.S. Patent No. 6,483,107).

With this Amendment, independent claim 1 has been amended to incorporate the claim limitations of original dependent claim 2. Original dependent claim 2 was recited in the Office Action as being objected to for being dependent up on a rejected base claim, but as being allowable if rewritten in independent form. Therefore, the newly amended, independent claim 1, which incorporates all the limitations of dependent claim 2, is believed to now be allowable. Therefore, the rejection under 35 U.S.C. § 102(b) of independent claim 1 is respectfully requested to be withdrawn.

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With this Amendment, dependent claim 11 has been cancelled. Each of dependent claims 4, 5, and 13-15 depend from independent claim 1. As described above, newly amended independent claim 1 is now believed to be allowable over the cited reference. Therefore, dependent claims 4, 5, and 13-15 are also believed to be allowable over the cited references. The rejections under 35 U.S.C. § 102(b) of dependent claims 4, 5, and 13-15 are respectfully requested to be withdrawn, accordingly.

**Claim Rejections under 35 U.S.C. § 103**

Claims 8, 9, and 12 were rejected under 35 U.S.C. § 103(a) over Rabinovitz. With this amendment, claims 9 and 12 have been cancelled. Claim 8 depends from amended independent claim 1, which as described above is believed to be allowable over the cited reference. Therefore, the rejection under 35 U.S.C. § 103 of dependent claim 8 is respectfully requested to be withdrawn.

**Allowable Subject Matter**

The allowance of claims 16-20 as recited in the Office Action is noted with appreciation. Claims 2, 3, 6, 7, and 10 were objected to in the Office Action as being dependent upon a rejected base claim, but as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As described above, independent claim 1 has been revised to incorporate the limitations of dependent claim 2. Therefore, independent claim 1 is believed to be allowable. Since each of dependent claims 3, 6, 7, and 10 depend from independent claim 1, claims 3, 6, 7, and 10 are no longer dependent upon a rejected base claim and are believed to be allowable. Therefore, the objections to claims 3, 6, 7, and 10 are respectfully requested to be withdrawn.

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**New Claims**

New claims 27-32 have been added. New claims 27-29 depend from independent claim 1, which as described above has been amended and is now believed to be allowable. Therefore, dependent claims 27-29 are also believed to be allowable over the cited references. Independent claim 30 depends from independent claim 16, which as indicated in the Office Action is allowable. Therefore, dependent claim 30 is also believed to be allowable. New claim 31 depends from independent claim 21, which has been amended to overcome the § 112, second paragraph, rejection and is believed to be allowable. Therefore, dependent claim 31 is also believed to be allowable.

**Newly Submitted Blair et al. Patent**

Applicants have submitted Blair et al. (U.S. Patent No. 6,813,117) in a Supplemental Information Disclosure Statement filed herewith. Blair et al. relates to a pair of clamshell shutters 20 and 21 collectively covering an access opening 12 in a portable data storage cartridge 10. The data storage cartridge 10 includes a data storage device 11 set back in the cartridge 10 away from the opening 12 defined in the cartridge 10. The clamshell shutters 20 and 21 open to reveal an external interface 15 through opening 12. The cartridge 10 is configured for use with a transfer station 40, which, when the shutters 20 and 21 are open, contacts the external interface 15 (not the data storage device 11) through the opening 12. In fact, access to the data storage device 11 is substantially blocked due to the placement of the pivot pins 27 and 28 between the opening 12 and the data storage device 11 as illustrated, for example, in Figure 1. Each of pending claims 1, 3-8, 10, 13-32 are believed to be allowable over Blair et al.

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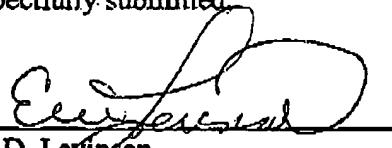
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**CONCLUSION**

In light of the above, Applicant believes that all pending claims are now in condition for allowance. Early and favorable consideration is requested. Any inquiry regarding this Amendment and Response should be directed to Eric D. Levinson at Telephone No. (651) 704-5532, Facsimile No. (651) 704-5951. In addition, please charge any additional fees to Deposit Account No. 09-0069.

Respectfully submitted,

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